

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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JMM

September 3, 2020

Opposition No. 91252817

House of Kuipers, LLC

v.

John Zox

Jill M. McCormack, Interlocutory Attorney:

On June 17, 2020, Opposer/Counterclaim Defendant, House of Kuipers, LLC (“House”), filed a “Notice of Change of Ownership” as to its pleaded Registration Nos. 4412948, 4465691, 4759961 and 5233845. (18 TTABVUE). House states that it “assigned all rights, title and business good will” in the registrations to Zox, LLC. (*Id.* at 2). Along with its submission, House also provided a copy of the notice of recordation of assignment.¹ (*Id.* at 5).

“When there has been an assignment of a mark that is the subject of, or relied upon in, an inter partes proceeding before the Board, the assignee may be joined or substituted, as may be appropriate, upon motion granted by the Board, or upon the Board’s own initiative.” TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 512.01 (2020) (and cases cited therein). “When the assignment

¹ A Trademark Assignment Agreement was recorded with the Assignment Services Branch of the USPTO on May 22, 2020 at Reel/Frame 6945/0227.

is recorded in the Assignment Recordation Branch of the USPTO, the assignee may be substituted as a party if the assignment occurred prior to the commencement of the proceeding, the assignor is no longer in existence, the plaintiff raises no objections to substitution, or the discovery and testimony periods have closed; otherwise, the assignee will be joined, rather than substituted, to facilitate discovery.” *Id.*

The Board construes House’s June 17, 2020 submission as a motion to substitute Zox, LLC for House of Kuipers, LLC as party Opposer/Counterclaim Defendant in this proceeding.

Applicant/Counterclaim Plaintiff, John Zox, is allowed TWENTY (20) DAYS from the date of this order to response to the motion to substitute, failing which the motion may be granted as conceded. *See* Trademark Rule 2.127(a).

House’s reply, if any, must be filed in accordance with Trademark Rule 2.127(a).

Proceedings are otherwise **SUSPENDED** pending disposition of the motion to substitute.